

Copies Mailed/Faxed  
Chambers of Vincent L. DeLuca

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RICARDO QUINONES,  
Petitioner,

v.

WILLIAM LEE,  
Respondent.  
-----X

**ORDER**

20 CV 4621 (VB)-(JCM)

Petitioner filed a habeas petition pursuant to 28 U.S.C. § 2254 on June 1, 2020. (Doc.#1).

On February 22, 2023, respondent moved to dismiss the petition. (Doc. #28). On April 27, 2023, petitioner filed a response to the motion to dismiss. (Doc. #40). On May 18, 2023, respondent filed a reply in support of his motion to dismiss. (Doc. #41). Accordingly, respondent's motion was fully submitted on May 18, 2023.

On May 26, 2023, Magistrate Judge Judith C. McCarthy issued a Report and Recommendation recommending that respondent's motion to dismiss be granted. (Doc. #42). The Report and Recommendation stated that parties would have fourteen days from receipt of the Report and Recommendation to serve and file written objections, unless the Report and Recommendation was served upon the parties by mail, in which case parties would have seventeen days to serve and file written objections.

The docket indicates the Report and Recommendation was mailed to petitioner at the address on the docket on May 30, 2023.

On June 8, 2023, the Court received two submissions from plaintiff: First, a letter dated May 31, 2023, in which petitioner "repl[ies] to the respondent's affirmation in support of their memorandum for a motion to dismiss" (Doc. #44), and second, a letter, dated June 2, 2023, enclosing a "table of contents to the reply against the respondent's memorandum in support of their motion to dismiss." (Doc. #43).

Plaintiff did not seek permission from Magistrate Judge McCarthy (or the undersigned) to file a surreply to respondent's reply memorandum of law. Moreover, neither Magistrate Judge McCarthy nor the undersigned authorized petitioner to file a surreply. Accordingly, petitioner's submissions are improper, and the Court will disregard them.

**However, in light of petitioner's pro se status, petitioner's deadline to file and serve a written objection to the Report and Recommendation is extended to July 17, 2023.**

**Responses to petitioner's objection (if any) are due July 31, 2023.**

Chambers will mail a copy of this Order to petitioner at the address on the docket.

Dated: June 12, 2023  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent Briccetti", written over a horizontal line.

Vincent L. Briccetti  
United States District Judge